

**REMARKS**

Reconsideration and allowance are respectfully requested.

Prior to entry of this amendment, claims 1-10 and 21-23 were pending in the application. By this amendment, claims 1 and 4 have been amended, claims 2 and 3 have been cancelled and independent claim 24 has been added.

In particular, it is to be noted that no new matter has been added in amending independent claim 1 and in adding new independent claim 24.

**Claim Rejection - 35 U.S.C. 112**

Claims 1-10 and 21-23 have been rejected under 35 U.S.C. 112 as failing to comply with the written description requirement.

In the Examiner's opinion, there is no support for the claimed tension varying means having external and internal position to the outer surface of the first conveyor. Moreover, the Examiner has stated that it is not clear what structure is set forth by "wherein one of the two limit position is external to...".

In order to overcome the Examiner's objections, independent claim 1 has been amended by adding the subject matter of claims 2 and 3. As amended, claim 1 now specifies that the first aspirating conveyor comprises a first suction roller and that an outer surface of the first suction roller is at least a portion of the outer surface of the first conveyor. In addition, amended claim 1 recites that the tension varying means comprises at least one diverter element that revolves about a fixed axis. At last, the two limit positions of the diverter element have been defined more precisely in relation to the first roller surface. This last amendment finds support in the specification as filed (page 10, lines 9-12). Claims 2 and 3 have been cancelled, since their subject matter has

been included in amended claim 1. Claim 4 has been made dependent on amended claim 1.

#### **Claim Rejection - 35 U.S.C. 102**

Claims 1-3 have been rejected under 35 U.S.C. 102 as being anticipated by EP 1097894.

This document discloses a unit to generate sheets of paper from a continuous strip. The unit includes cutting means that comprises a first aspirating conveyor and a second conveyor and means for varying the tension, including at least one diverter element that is capable of cyclical movement between two limit positions.

Amended claim 1 is new with respect of EP 1097894. In fact, it is to be noted that in EP 1097894, the tension varying means is not associated with the first conveyor. In particular, the tension varying means is positioned between a gumming device and the first conveyor, far away from it. In present claim 1, the tension varying means is mounted on the first conveyor. In particular, the tension varying means comprises *"at least one diverter element revolving about a fixed axis parallel to an axis of the first conveyor between a first limit position radially below the surface of the suction roller and a second limit position radially beyond the surface of the suction roller"*.

#### **Claim Rejection - 35 U.S.C. 103**

Claims 1 and 2 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman (US 3,651,724).

Moreover, claims 3 and 4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman (US 3,651,724) in view of Muller (US 4,811,641).

Amended claim 1 is new and inventive over Huffman and over Huffman in view of Muller.

Huffman, discloses an apparatus for producing card sets comprising cutting means, a first conveyor and a second conveyor. In the Examiner's opinion, the apparatus comprises, in addition, means to vary the tension having two limit positions.

Applicant respectfully traverses this opinion. In fact, the Examiner refers to components 46 "*tiltable platelike strippers*" (col. 3, lines 11-13). These elements do not modify (in particular, they do not decrease) the tension of the strip to avoid undesired tears, as the tension varying means of the present application does. They do just the opposite. Soon "after the adjacent cutter 34 penetrates the web, as in Fig. 4, the stripper [46] begins to tilt so as to complete severance of the web by tearing, in the event of failure of knife 34 to perform a clean perfect cut." (see Huffman, col. 3, lines 38-41, emphasis added). So, it is evident that the strippers cited in Huffman are different from and cannot provide the same result as the tension varying means of claim 1.

In the Examiner's opinion, Huffman does not disclose a revolving diverter element and Muller teaches such a device.

Muller discloses an apparatus for cutting sheets from a continuous strip comprising a pair of cutting cylinder and diverter means to deviate the cut sheet toward one of the two exit directions. However, the diverting element of Muller is essential to deflect the cut sheets and not to varying the tension of the strip. So, there is no teaching, or suggestion or motivation to combine the device of Muller with the device of Huffman to obtain the claimed invention.

Furthermore, neither Huffman nor Muller discloses *"tension varying means comprising at least one diverter element revolving about a fixed axis parallel to an axis of the first conveyor between a first limit position radially below the surface of the suction roller and a second limit position radially beyond the surface of the suction roller"*, as in present claim 1.

Since neither none of the cited references, alone or in combination, disclose or suggest *"tension varying means comprising at least one diverter element revolving about a fixed axis parallel to an axis of the first conveyor between a first limit position radially behind the surface of the suction roller and a second limit position radially beyond the selfsame surface"*, these references do not anticipate or render obvious amended claim 1.

The remaining claims 4-10 and 21-23 depend from claim 1 and are allowable for the same reasons as claim 1, as well as for the further limitations contained therein.

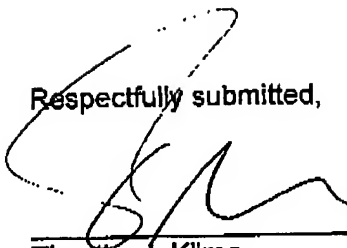
Finally, also new independent claim 24 has to be considered allowable. In fact, it contains the same subject matter of amended claim 1 and further characteristics of claims 4, 5 and 21, not shown in the cited documents.

### **Conclusion**

All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Applicant's counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,



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